



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 8, 1992

Mr. Roger D. Hepworth
Henslee, Ryan & Groce
Great Hills Plaza
9600 Great Hills Trail
Suite 300 West
Austin, Texas 78759-6303

OR92-591

Dear Mr. Hepworth:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17264.

The Magnolia Independent School District [Magnolia ISD] received a request for "the official minutes . . . for all school board meetings from 01/01/82 through 11/30/89," "a copy of the original tape from the board meeting held on September 10, 1990," "the latest version of the Magnolia ISD Policy Manual," and "all original invoices or bills that are related to [the petition for detachment and annexation filed by the Woodlands Corporation with the board of Magnolia ISD] . . . beginning with the date of March 1, 1992, and continuing through the resolution of this matter [including] [a]NY payments made to various professionals and/or consultants, or miscellaneous expenses for mailing, printing, advertising, travel, reimbursements . . ." The requestor in this case informs us that you have disclosed all of the requested information except "copies of expense vouchers, etc." You assert that this information is excepted from required public disclosure by section 3(a)(3) and the attorney-client privilege.

Section 3(a)(3) of the Open Records Act applies to information that relates to pending litigation in which a governmental body is involved. Open Records Decision No. 551 (1990). You inform us that the Woodlands Corporation is appealing the denial of a petition for detachment and annexation by Magnolia ISD in a suit before the Texas Education Agency, and that Magnolia ISD has filed a counter suit. We have determined that you have not established the relatedness of several items of information to the pending litigation. These include: the

"Statement of Mailing with Permit Imprints," the "Request for Payment by Manual Check," the "Form 3602-R-Third Class Regular Rate-Permit Imprint," the copy of check no. 023098, and information concerning deposits into the Magnolia School Fund. With regard to the attorney bills, we have determined that pursuant to section 3(a)(3) you may withhold the description of the services rendered. However, as the attorneys fees are not an issue in the pending litigation, the amounts billed do not relate to the pending litigation and consequently are not protected from required disclosure under section 3(a)(3).

Furthermore, the protection for attorney-client communications provided by section 3(a)(7) of the Open Records Act does not apply to these billing charges. Only information that reveals client confidences or attorney advice may be withheld under section 3(a)(7). Open Records Decision No. 589 (1991). Accordingly, the amounts billed must be disclosed. Similarly, the copies of the checks to the attorneys must also be disclosed.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-591.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Guajardo".

Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/lmm

Ref.: ID# 17264